

REMARKS

In an Office Action dated April 2, 2009, claims 1-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bosley in view of Hobart; and claims 16-20, 24 and 25 were rejected under 35 U.S.C. § 101.

Regarding the § 101 rejections, independent claim 16 has been amended to recite a computer-readable storage medium, which precludes the medium as being merely considered transmission media. As such, Applicant requests withdrawal of the § 101 rejections of claims 16-20. Regarding the § 101 rejections of claims 24 and 25, claim 24 has been amended to recite "processor-based means." For at least the reason that the data processing arrangement of claim 24 is tied to a machine and thus, complies with the two prong test that is set forth in *In re Bilski*, Applicant respectfully submits that claims 24 and 25 overcome the § 101 rejections.

Regarding the § 103 rejection of independent claim 1, the method of claim 1 recites selecting nodes to propagate a search expression as a function of a Bloom-filters and incentive-based criteria.

To make a determination under 35 U.S.C. § 103, several basic factual inquiries must be performed, including determining the scope and content of the prior art, and ascertaining the differences between the prior art and the claims at issue. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459 (1965). Moreover, as the U.S. Supreme Court held, it is important to identify a reason that would have prompted a person of ordinary skill in the art to combine reference teachings in the manner that the claimed invention does. *KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385 (2007).

Although the Office Action concedes that Bosley fails to disclose selecting node to propagate a search expression as a function of Bloom-filters and incentive-based criteria (Office Action, p. 3), the Office Action fails to set forth a plausible explanation why one of skill in the art in possession of Bosley and Hobart would have derived the missing claim limitations. More specifically, the Office Action relies on Hobart for its discussion of an incentive program for a peer-to-peer network. Hobart discloses that the incentive program provides incentives, or rewards, for such purposes as promoting incoming connections, the sharing of data, the sharing of files and the sharing of computing resources. Hobart, para. no. 13. Hobart discloses that its incentives, such as the incentives that are listed in paragraph no. 53, encourage peer-to-peer connections. However, Hobart fails to disclose selecting a node for propagating a search

expression based on an incentive or render such an incentive-based selection obvious, as Hobart does not address or even contemplate node selection for purposes of propagating a search. The reason given in the Office Action, "increasing efficiency in peer-to-peer networks" (Office Action, 2), is general in nature and does not specifically identify a plausible reason why one of skill in the art in possession of Bosley and Hobart would have derived selecting a node to propagate a search expression based on incentive-based criteria. Furthermore, the Office Action fails to explain how such as selection would purportedly "attract more users to join the peer network." Office Action, 2. Therefore, the Office Action errs in the § 103 rejection of claim 1 for at least the reason that the Office Action fails to set forth why one of skill in the art would have combined Bosley and Hobart in the same manner that the claimed invention does.

For similar reasons, independent claims 8, 16 and 24 overcome the § 103 rejections. In this regard, the Office Action fails to set forth a plausible explanation why the hypothetical combination of Bosley and Hobart renders a processing unit arranged to select nodes to propagate a search expression associated with a query based as a function of Bloom filters and incentive-based criteria (claim 8); selecting nodes to propagate a search expression associated with a query based as a function of Bloom filters and incentive-based criteria (claim 16); or processor-based means for selecting nodes to propagate a search expression associated with a query as a function of Bloom filters and incentive-based criteria (claim 24).

Regarding the § 103 rejection of independent claim 21, this claim recites associating respective counters with bits of a Bloom-filter array; changing the respective counters based on the associated bits of a Bloom-filter update; setting the bits of the Bloom-filter array to zero where the respective counters associate with the bits are zero; and setting the bits of the Bloom-filter array to one where the respective counters associate with the bits are greater than zero.

The Office Action errs in the § 103 rejection of claim 21 for at least the reason that neither Bosley nor Hobart discloses associating counters with bits of a Bloom-filter array and performing the claimed actions with the counters, as explicitly recited in claim 21. Although the Office Action cites numerous paragraphs of Bosley as evidence of this claim language, none of the cite language mentions associated counter with a Bloom-filter array or the manipulation of such counters as claimed. Thus, the Office Action fails to set forth plausible evidence why one of skill in the art in possession of Bosley and Hobart would have derived the limitations of claim 21.

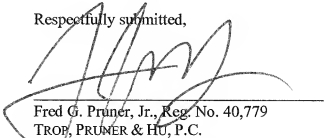
Dependent claims 2-7, 9-15, 17-20, 22, 23 and 25 overcome the § 103 rejections for at least the same reasons as the claims from which they depend.

CONCLUSION

In view of the foregoing, Applicant respectfully requests withdrawal of the §§ 101 and 103 rejections and a favorable action in the form of a Notice of Allowance. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 08-2025, under Order No. 200208216-1.

Respectfully submitted,

Date: July 1, 2009



Fred G. Pruner, Jr., Reg. No. 40,779
TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TEXAS 77057
713/468-8880 [Phone]
713/468-8883 [Fax]